

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

ALLEGHENY COUNTY EMPLOYEES' RETIREMENT SYSTEM, EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE, DENVER EMPLOYEES RETIREMENT PLAN, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS NATIONAL PENSION FUND, and IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, Individually and On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ENERGY TRANSFER LP, KELCY L. WARREN, JOHN W. MCREYNOLDS, THOMAS E. LONG, MARSHALL MCCREA, MATTHEW S. RAMSEY, MICHAEL J. HENNIGAN, and JOSEPH MCGINN,

Defendants.

**CASE MANAGEMENT ORDER**

Pursuant to Federal Rule of Civil Procedure 16 and Local Rule of Civil Procedure

16.1(b), it is hereby **ORDERED** as follows:

**Fact Discovery**

1. The Court approves the agreement of the parties to opt out of the mutual exchange of initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).
2. The parties shall file with the Court a proposed confidentiality order no later than **July 23, 2021**.

3. The parties shall file with the Court a proposal describing the types of ESI that will be produced, and the format in which such ESI will be produced, no later than **July 30, 2021**.
4. Whereas Lead Plaintiffs have served their first set of requests for production of documents to all Defendants prior to the date of the of this Case Management Order, Defendants shall begin rolling production of documents responsive to Lead Plaintiffs' first set of requests for production of documents on or before **September 3, 2021**, and must substantially complete their production of documents responsive to Lead Plaintiffs' first set of requests for production of documents on or before **February 15, 2022**. Defendant shall further produce a privilege log to Lead Plaintiffs on or before **March 15, 2022**.
5. The parties acknowledge that the limitations on deposition discovery under Fed. R. Civ. P. 30(a)(2)(A)(i) may require modification. On or before **September 3, 2021**, the parties shall present to the Court a proposed deposition protocol, setting forth the parties' views to that point and/or agreements on the number of fact witness depositions to be allowed in the Action and other matters relating to such depositions.
6. All requests for admission and interrogatories shall be served no later than **May 1, 2022**; the parties shall not, however, in any way delay written discovery.
7. All fact discovery shall be completed on or before **August 16, 2022**.

### **Class Certification**

8. Defendants shall propound requests for production of documents to Lead Plaintiffs by **August 2, 2021**.
9. Lead Plaintiffs' motion for class certification and other supporting materials shall be filed on or before **September 10, 2021**.
10. Lead Plaintiffs shall substantially complete documents productions in response to Defendants' first requests for documents by **October 1, 2021**.
11. Defendants shall complete class certification depositions of Lead Plaintiffs and their class certification expert(s) by **November 15, 2021**.
12. Defendants' brief and other materials in opposition to Lead Plaintiffs' motion for class certification shall be filed no later than **January 14, 2022**.
13. Lead Plaintiffs shall complete class certification depositions of Defendants' class certification expert(s) by **February 15, 2022**.
14. Lead Plaintiffs' reply brief and other materials in further support of the motion for class certification shall be filed no later than **March 14, 2022**.

**Expert Discovery**

15. The Parties shall submit a discovery schedule for experts on non-class certification issues by **April 15, 2022**.

**Joinder of Parties and Amendments to the Pleadings**

16. Any motions for leave to join other parties or for amendments of pleadings shall be filed no later than **January 21, 2022**.

**Pretrial and Trial Proceedings**

17. The Court will set any additional dates, including Summary Judgment, motions *in limine*, a final pretrial conference and trial date, at a later time. The Court may order a telephone conference or court hearing with counsel for the Parties before setting additional dates.

**Miscellaneous Issues**

18. To the extent any of the dates specified herein fall on a Court holiday or weekend, the deadline shall be automatically extended until the next business day.
19. Other than the deadlines specified in ¶¶ 7, 9, 12, 14, 15 and 16, any dates specified herein may be altered by mutual agreement of the Parties without the necessity of seeking Court approval.
20. The Parties reserve all rights to seek amendment of any deadline specified herein should doing so prove necessary and appropriate.

SO ORDERED THIS 8<sup>th</sup> day of July, 2021.<sup>1</sup>

/s/Gerald Austin McHugh  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Counsel should take note that the Court has modified paragraphs 6, 15, and 16 of their proposed schedule.